IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5979 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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MOHMAD RAFIK NOORMOHMAD SHAIKH

Versus

SURAT MUNICIPAL CORPORATION

Appearance:

1. Special Civil Application No. 5979 of 1999

MR NK MAJMUDAR for Petitioner No. 1-3

MR PRASHANT G DESAI for Respondent No. 1

MR PR ABICHANDANI, AGP, for Respondent No. 2-3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 08/08/2001

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioners have prayed for direction to the respondent-Surat Municipal Corporation to consider the petitioners' application for hawking licence in the

area where they were doing business at the time of filing of the petition.

2. In response to the notice, affidavit in reply dated 4-4-2000 has been filed by Mr. K.S. Patel, Zonal Officer of the respondent-Corporation and further affidavit dated 6-8-2001 of C.J. Gamit, Assistant Commissioner (P & I) of the respondent-Municipal Corporation has also been filed. In the last affidavit it is pointed out that the place where the petitioners have been carrying on business is now placed in a nonhawking zone as per the resolution No.624 of 1998 dated 6-5-1998 passed by the Standing Committee of the respondent -Corporation. The resolution is placed by Mr. P.G. Desai for the respondent-Corporation on the record of these proceedings. The resolution is permitted to be placed on the record of the proceedings.

3. In view of the above, no directions can be given to the respondent-Corporation to consider the petitioners' application for hawking licence in the non-hawking zone. However since the fact about change in the hawking zone does not appear to have been brought to the notice of the petitioners earlier, it would be just and proper to dispose of this petition with a direction that if the petitioners make an application for hawking licence in hawking zone as per the existing zone, the respondent shall consider the same as expeditiously as possible and in any case within one month from the date of receipt of the application.

4. The petition is accordingly disposed of. Rule is discharged. Ad-interim relief granted earlier stands vacated.

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